

MEMORANDUM OF UNDERSTANDING
BETWEEN
BUREAU OF RECLAMATION
AND
BUREAU OF INDIAN AFFAIRS

CENTRAL UTAH PROJECT, BONNEVILLE UNIT

This Memorandum of Understanding, made this 11th day of December, 1970, between the BUREAU OF RECLAMATION United States Department of the Interior, hereinafter called Reclamation, and the BUREAU OF INDIAN AFFAIRS, United States Department of the Interior, hereinafter called Indian Affairs.

Explanatory Statement

The Midview Exchange Agreement, dated November 16, 1967, among Reclamation, Indian Affairs, the Ute Tribe of the Uintah and Ouray Indian Reservation and the Moon Lake Water Users' Association, provided for the exchange of Indian water rights on Lake Fork River and Moon Lake Project water rights on Duchesne River.

Reclamation, pursuant to the Colorado River Storage Project Act, (April 11, 1956, 70 Stat. 105) has constructed Starvation Dam and Reservoir, a feature of the Bonneville Unit of the Central Utah Project, hereinafter called the project, a participating project of the Colorado River Storage Project, and pursuant to the project plan, irrigation water stored in Starvation Reservoir will be available to augment the natural flow of Duchesne River when needed for the Midview Exchange.

1. Reclamation will release irrigation water from Starvation Dam and Reservoir to augment the natural flow of Duchesne River above the Duchesne Feeder Canal Diversion Dam whenever the natural flow is insufficient to meet the Indian water diversion requirement as defined in the Midview Exchange Agreement. Releases will be made during the irrigation season from April 1 through October 31.

2. It is understood that the amount of water to be released annually under this memorandum, established pursuant to standards and procedures governing the operation of project works provided for in Article 11(c) of the contract dated December 28, 1965, between Reclamation and the Central Utah Water Conservancy District, will not exceed 11,600/21,400 tbs of the annual yield of 1/3 of the active capacity of Starvation Reservoir including the use of return flow of project water as such yield is established annually by the project operator.

3. Indian Affairs agrees to utilize all waters available to it from the Duchesne River natural flow prior to calling for releases under this memorandum and further agrees to utilize waters under this memorandum before calling upon water from Lake Fork River to supply water for the lands described in the Midview Exchange Agreement.

4. Indian Affairs will notify Reclamation or the Central Utah Water Conservancy District if it is operating Starvation Dam and Reservoir, whenever the natural flow in Duchesne River is insufficient to meet the Indian water diversion requirement as defined in the Midview Exchange Agreement.

5. Indian Affairs may forego an immediate release of water from Starvation Dam and Reservoir at times when it is entitled to it under this memorandum and accumulate a credit for such water in the reservoir and call for the release of such credited water later on in the same irrigation season. Any such accumulated credits that are not called for by October 31 of each year will be cancelled.

6. Indian Affairs agrees to pay the operator of Starvation Dam and Reservoir, whether it be Reclamation or the Central Utah Water Conservancy District, the sum of \$2,000.00 annually on January 1 of each year in advance, commencing on January 1, 1971. Such payment shall be in lieu of any and all charges for operation, maintenance and storage of waters released to or services rendered for Indian Affairs as provided herein.

BUREAU OF RECLAMATION

By /s/ David L. Crandall

Regional Director

BUREAU OF INDIAN AFFAIRS

By /s/ Charles D. Worthman

Acting Asst. Area Director

We concur, /s/ Francis Wyasket
The Ute Tribe

/s/ Clyde Ritchie
Central Utah Water Conservancy District

/s/ J. Bruce Hartman
Moon Lake Water Users Association

memo of understanding